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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,152	01/28/2004	Grigory Yezersky	705789US2	1959
24938	7590	09/07/2006	EXAMINER	
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION			BLOUNT, ERIC	
CIMS 483-02-19			ART UNIT	
800 CHRYSLER DR EAST			PAPER NUMBER	
AUBURN HILLS, MI 48326-2757			2612	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/766,152	Applicant(s) YEZERSKY ET AL.	
	Examiner Eric M. Blount	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some    \* c) ☐ None of:
      - 1. ☐ Certified copies of the priority documents have been received.
      - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to applicants' Request for Continued Examination (RCE) filed on August 15, 2006. Claims 1-13 and 16 are pending. Independent claim 16 is new.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa [U.S. 6,243,022 B1] in view of Campbell et al [U.S. 2002/0067245 A1].

As for **claims 1 and 7**, Furukawa discloses a remote control system for a vehicle model having variable feature content, the system comprising:

- a. A fob (10) and a radio frequency transmitter (26) for transmitting commands at a radio frequency via a fob antenna (24);
- b. A receiver (36) for positioning in a specific vehicle having features pre-selected from the variable feature content, said receiver (36) having an antenna (34) for receiving one of said commands at a radio frequency, a demodulator (column 5, lines 4-7 and 25-27) for recovering said one command, and a processor (32) for decoding said one command and determining if the pre-selected features are compatible with the one command (It is obvious that the processor must reference memory to determine what

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functions are present. In this manner, the processor determines if the received command is compatible.).

c. A network interface (serial data bus) for controlling a vehicle system in accordance with said recovered one command only when the pre-selected features are compatible with the one command (column 5, lines 40-56). It is obvious that if a received command were not compatible with the system, no action would be taken.

Furukawa does not disclose a fob having a microphone for receiving audible commands.

In an analogous art for a remote control system for a vehicle, Campbell discloses a voice activated key fob comprising a microphone (20) for receiving audible commands (paragraph 0009). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Furukawa to include the “hands-free” operation taught by Campbell because the modification would provide convenience to the user. The modification would allow a user to control a plurality of vehicle features using a compact device that didn’t require a plurality of buttons for each feature. Further, the device could be operated even when both hands of the user were occupied.

Regarding **claims 2 and 11**, Furukawa discloses that a memory for storing specified instructions is connected to the processor (column 5, lines 30-39). It would have been obvious to one ordinary skill in the art that the memory must include information specifying pre-selected features. This information must be present in order for the processor to know what devices to control and how to control said devices upon receiving a command signal from the fob.

Regarding **claims 3 and 12**, Furukawa shows that vehicle components are connected via the network interface. Memory may be integral or separate from the processor (column 5, lines

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30-56). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that information shared throughout the vehicle would be communicated using the network interface.

As for **claims 4 and 13**, Furukawa discloses a fob device that may receive result information from the vehicle (column 3, lines 30-35).

Regarding **claims 5 and 6**, Furukawa discloses that the output device comprises a display (16) and a speaker (column 3, lines 60-62).

As for **claim 8**, Furukawa and Campbell teach or suggest all of the limitations of the claim. Please refer to the claims above.

As for **claims 9 and 10**, Furukawa discloses that the RF signal is modulated in digital mode (column 5, lines 3-20), however, it would have been obvious to one of ordinary skill in the art that signals could have been modulated in analog or digital mode. Several modulation schemes were known in the art at the time of the invention by the applicant and would have been used as necessary. This limitation is viewed as a matter of design.

### ***Response to Arguments***

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "The claimed compatibility determination provides information that may be, for example, supplied to inform the user that the requested function is not available." and "Further, because of the compatibility determination, one key fob may be manufactured for multiple vehicle platforms having a variety of features activatable by the key fob.") are not recited in the rejected claim(s). Although the

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claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The combination of the Furukawa and Campbell references reasonably meet the limitations of claims 1-13 as presented. The applicants are correct in pointing out that the Furukawa processor activates a specific function in response to a specific signal through memory. However, the steps of receiving a signal from a key fob and referencing memory to determine what, if any action is to be taken, is viewed as a compatibility determination.

#### ***Allowable Subject Matter***

5. Claim 16 is allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to sufficiently describe or suggest a remote control system for a vehicle model having variable feature content, the system comprising a transmitter for positioning in the vehicle, said transmitter transmitting result information to a receiver located in a fob, the fob further comprising an output device connected to the receiver wherein the output device communicates the result information to a fob user, said result information comprising an indication that a requested function could not be executed and a reason the requested function could not be executed.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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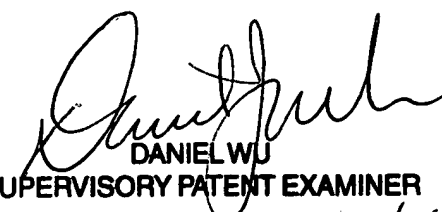
- a. Gunsch discloses a universal transmitter for controlling multiple keyless entry systems.
- b. Brinkmeyer et al disclose a remote control system for motor vehicle related devices. The controlled devices and the remote control have a bi-directional communication link.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount  
Examiner  
Art Unit 2612

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
09/05/06